

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
STEVEN C. SMITH,)	CASE NO. 10-89420-PWB
)	
DEBTOR.)	

MOTION TO REOPEN

COMES NOW Guy G. Gebhardt, Acting United States Trustee for Region 21, and, pursuant to Bankruptcy Code section 350(b) and Federal Rule of Bankruptcy Procedure 5010, moves the Court to reopen this case and waive or defer the filing fee. In support of this motion, the United States Trustee shows as follows.

1.

Steven C. Smith commenced this case on October 2, 2010, by filing a petition for relief under chapter 7. Gina Micalizio, Esq., represented Mr. Smith.

2.

Cathy L. Scarver was appointed and served as chapter 7 trustee.

3.

On October 30, 2012, Ms. Scarver filed her final report (Dkt. No. 65).

4.

On March 7, 2013, Ms. Scarver filed her final account (Dkt. No. 77).

5.

On March 8, 2013, the Court approved the trustee's final account, discharged the

trustee, and closed the estate (Dkt. No. 78).

6.

Upon information and belief, Ms. Scarver was recently contacted by an attorney in Florida, whose client is interested in purchasing the debtor's membership interest in Orlando Gateway, LLC, for an opening offer of \$50,000.00. According to Ms. Scarver, the unpaid allowed claims in this case total \$291,924.05, including an IRS priority claim of \$138,153.48, and seven unsecured claims totaling \$153,770.57.

7.

Ms. Scarver contends the debtor's membership interest Orlando Gateway, LLC, was an unscheduled asset that was property of the estate.

8.

Bankruptcy Code section 350 authorizes the Court to reopen a case to administer assets, to accord relief to the debtor, or for other cause.

9.

Federal Rule of Bankruptcy Procedure 5010 provides that a case may be reopened on motion of the debtor or other party in interest.

10.

The United States Trustee is a party in interest and has standing to raise, appear, and be heard on any issue in any case. 11 U.S.C. § 307.

11.

The United States Trustee requests the Court reopen the case to allow a trustee to investigate and, if appropriate, administer assets that are property of the estate.

12.

The fee for reopening this case should be waived or deferred, to be paid from property of the estate.

WHEREFORE, the United States Trustee moves the Court reopen this case, waive or defer the filing fee, and direct the United States Trustee to appoint a chapter 7 trustee.

GUY G. GEBHARDT
Acting United States Trustee, Region 21

s/ Jeneane Treace
R. Jeneane Treace
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CERTIFICATE OF SERVICE

I certify that October 23, 2015, I served a copy of this motion upon the following persons by First Class U.S. Mail, addressed as follows.

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s/ Jeneane Treace
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